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| 10/033,127      | 10/22/2001  | Wolfgang Schonberger | A-2986              | 7101             |

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| EXAMINER |
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EVANISKO, LESLIE J

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2854

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05/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                |                                       |  |
|------------------------------|--------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/033,127  | Applicant(s)<br>SCHONBERGER, WOLFGANG |  |
|                              | Examiner<br>Leslie J. Evanisko | Art Unit<br>2854                      |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5,7,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5,7,10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/22/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments, see the request for reconsideration, filed January 16, 2007, with respect to the rejection(s) of claim(s) 2-5, 7, 10 and 12 under 35 USC 103 as being obvious in view of Price, Dini, Chase, and, with respect to claim 4--Jeschke have been fully considered and are persuasive. Therefore, these rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 USC 103 in view of Bechman (US 1,293,305) and the previously cited Dini, Konrad et al., and, with respect to claim 4--Jeschke. See the 35 USC 103 rejections set forth below.

### **Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Drawings**

3. The drawings are objected to because of the following informalities: In Figures 1 and 8, the labeling of the same piece of structure with reference numerals 1 and 2 is somewhat confusing since "1" is defined in the specification as the printing press and "2" is defined as the impression cylinder. To make the Figures and labels more accurate, it is suggested that the structure labeled "1, 2" be amended to just be labeled "2" and a separate reference numeral 1 with a lead line having an arrow at the end be added to each of Figures 1 and 8 to more accurately depict the "printing press". In Figure 3a, it is

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suggested that one of the two occurrences of reference numeral 32 in the piece of structure labeled "12, 32, 32, 35" could be deleted since it is redundant.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Objections**

4. Claims 2-5, 7, 10 and 12 are objected to because of the following informalities:

With respect to claim 10, line 5, it is suggested that the term "an" (second occurrence) be deleted and replaced with --the-- or --said-- since the ink form roller was previously recited earlier in line 5. Additionally, in line 16, it is suggested that the term "it" be deleted and replaced with the actual structure to which "it" is intended to refer.

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Note similar changes for both of these issues should be made to the similar language in claim 12.

Appropriate correction and/or clarification is required.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 5, 7, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bechman (US 1,293,305) in view of Konrad et al. (US 2002/0014171 A1) and Dini (US 3,964,386).

With respect to claims 10 and 12, Bechman teaches a printing press comprising a printing form cylinder P, a zone-less inking unit including an ink metering device having a single metering element 3 operatively engaging a roller 2 operatively engaging with an ink form roller 6, 6a, the ink form roller rolling on the printing form cylinder P during a printing operation, the ink metering device producing an ink pattern being even over a print width of the roller, and a plurality of glazing rollers 5, 5a, 5b, 5c, 5d disposed downline from the single metering element 3 along a peripheral line of the roller 2, each of the glazing rollers 5, 5a, 5b, 5c, 5d being in rolling contact exclusively with the roller 2. See Figure 1 and page 1, line 63 through page 2, line 36 of Bechman in particular.

Bechman does not specifically teach the glazing rollers have one of a rubber-elastic peripheral surface or an elastomeric peripheral surface as recited. However, the use of glazing rollers with ink repellant rubber elastic peripheral surfaces in printing presses for smoothing printing ink is well known in the art, as exemplified by Konrad et al. in paragraphs [0050] and [0070] in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the glazing rolls of Bechman to include an ink repellant rubber elastic peripheral surface as taught by Konrad et al. to provide simple, lightweight ink repellant glazing or smoothing rollers that do not need any additional wiping blades.

Additionally, Bechman does not specifically teach an oscillation device assigned to the single metering element to oscillate the single metering element as recited. However, Dini teaches an apparatus for removing surplus ink on printing cylinders including an oscillation device assigned to a single metering element (4, 5, 6, Fig. 1) for mounting the metering element so that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz ("5 to 200 kHz" column 2, line 46) between an engaging position and a spaced-away position of the single metering element in which the single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from the roller 12 ("5 to 30 $\mu$ " column 2, line 53). See Figure 4 and column 2, lines 44 through column 3, line 21 of Dini in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide an oscillation device for oscillation a metering element at the particular frequency and height as taught by Dini that operates to oscillate the single metering element of Bechman to provide a metering arrangement that advantageously controls the thickness of the ink

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layer on the cylinder while preventing wear of the blade and/or cylinder surface and eliminating inconsistency of tone reproduction in printing.

With respect to claim 2, note Dini teaches the oscillation device has a guide guiding the single metering element in an oscillation direction A deviating in a range from 0° to 20° (see angle  $\alpha$ ) in the radial direction of the roller 12.

With respect to claim 3, note Dini teaches the oscillation device has an electromagnetic oscillation drive drivingly connected to the single metering element in column 3, lines 17-21.

With respect to claim 5, note both Dini and Bechman teach the single metering element is a metering blade having a working region termination in a cutting edge, the working region of the metering blade having a cross-sectional thickness which remains constant. See column 3, lines 46-50 and Figure 4 of Dini as well as Figures 1 and 3 of Bechman.

With respect to claim 7, note the pool of ink in fountain 1 of Bechman can broadly be considered to be an ink feeding device disposed upline of the metering element alongside the peripheral line of the roller.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bechman (US 1,293,305) in view of Konrad et al. (US 2002/0014171 A1) and Dini (US 3,964,386) as applied to claims 2-3, 5, 7, 10, and 12 above, and further in view of Jeschke et al. (US 4,089,264). Bechman as modified by Konrad et al. and Dini teach a printing press having all of the structure as recited with the exception of the oscillating device including a spring for setting the single metering element against the roller. However,

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Jeschke et al. teaches an electromagnetically actuated oscillating element 6 that is set against a roller 2 by a spring 15, as shown in Figure 1 and described in column 3, line 38 through column 4, line 15. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide a spring for setting the single metering element against the roller as taught by Jeschke in the press of Bechman as modified by Konrad et al. and Dini since a person of ordinary skill in the art would recognize that a spring would cause the default position of the metering element to be one of contact with the roller, which would advantageously prevent wasting ink in the event that the machine was operating but the oscillating mechanism had otherwise failed.

### **Response to Arguments**

8. Applicant's arguments with respect to claims 2-5, 7, 10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
May 13, 2007